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EXAMINER	
ROSEN, NICHOLAS D	
ART UNIT	**PAPER NUMBER**
3625	

DATE MAILED: 10/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/824,034	HATAKEYAMA, KOICHI	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 August 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/10/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-7 have been examined.

Response to Challenge of Official Notice

Applicant has traversed Examiner's takings of official notice; in response, Examiner makes relevant prior art of record. Specifically:

In rejecting claim 1, Examiner took official notice that it is well known to connect to Internet Web Sites, and thus to the servers on which they are available, through the servers of ISP's, LAN's, WAN's, or other business, etc., servers. This is supported by Kaplan (U.S. Patent 5,963,916), in column 10, lines 12-18. This is also supported by Turek et al. (U.S. Patent 6,021,439), in column 1, lines 11-45; column 3, lines 54-67; and Figure 4. This is also supported by Kephart et al. (U.S. Patent 6,026,445) in column 3, line 53, through column 4, line 2; and Figure 1. This is also supported by Nehab et al. (U.S. Patent 6,029,182) in column 10, line 60, through column 11, line 6; and column 11, lines 60, through column 12, line 4. This is also supported by Wilz, Sr., et al. (U.S. Patent 6,045,048) in column 1, line 61, through column 2, line 19.

In rejecting claims 1, 4, 6, and 7, Examiner took official notice that it is well known to identify and search for musical and other works by their titles. This is supported by Matsumoto (U.S. Patent 5,862,104) in column 5, lines 17-22; column 7, lines 32-54; column 8, lines 31-42; and column 9, line 61, through column 10, line 2. This is also supported by Kaplan (U.S. Patent 5,963,916), in column 12, lines 38-47; column 17, lines 1-10; and Figure 47. This is also supported by Dwek (U.S. Patent

6,248,946), in column 2, lines 40-58; column 6, lines 15-29; and Figure 3A. This is also supported by Tarbouriech (U.S. Patent 6,674,993), in column 2, lines 24-40. This is also supported by Zhang et al. (U.S. Patent Application Publication 2002/0073098), in paragraphs [0005] and [0006].

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is more than 150 words long. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: On page 11, line 9, "the user is in its home" should be "the user is in his home", or "the user is in his or her home", or some variation, since people are not normally referred to by neuter pronouns.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (Canadian Published Patent Application 2,225,190) in view of official notice. As per claim 1, Oakley discloses an online distribution system, comprising: a search server (page 5, lines 16-30; page 10, lines 7-14); a data distribution server (page 2, line 27, through page 3, line 13); and a download terminal connected to said data distribution server (page 5, lines 16-30). Oakley does not expressly disclose a personal terminal, distinct from the download terminal, to which said search server is connectable, but such a terminal is held to be inherent, as necessary to access the Internet Web Site (page 10, lines 7-14). Oakley does not expressly disclose that the download terminal is connected to the search server through the data distribution server, but official notice is taken that it is well known to connect to Internet Web Sites, and thus to the servers on which they are available, through the servers of ISP's, LAN's, WAN's, or other business, etc., servers. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the download terminal be connected to the search server through the data distribution server, for the stated advantage of enabling customers' pre-chosen track lists to be recalled, and (after customer confirmation) recorded.

Oakley discloses (by inherency) that said search server includes a database for storing a plurality of songs or other works for distribution information (page 10, lines 7-17). Oakley does not expressly disclose that this search server includes title search means for searching the titles stored in the database, but official notice is taken that it is well known to identify and search for musical and other works by their titles. Oakley's disclosure of recalling pre-chosen track lists at the download terminal implies that subscription and identification information must be stored and transmitted by some means from the search server and/or personal terminal to the download terminal. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the search server include title search means for searching the titles stored in the database, and subscription information storage means for storing the title searched out by the title search means, for the obvious advantage of enabling customers to identify desired musical works by title.

Oakley discloses a data distribution server including distribution information storage means for storing the distribution information (page 2, line 27, through page 3, line 13). Oakley discloses that the download terminal includes identification information acquisition means for acquiring identification information inputted from the outside (page 10, lines 7-14), first readout means for reading out, based on identification information acquired by said identification information acquisition means, the title stored in said subscription information storage means of said search server which correspond to the identification information (page 10, lines 7-14), second readout means for reading out

the distribution information corresponding to the information read out by the first readout means from said distribution information storage means of said data distribution server, and recording means for recording the distribution information read out by said second readout means onto a recording medium (page 10, lines 7-14; page 2, line 23, through page 3, line 2).

As per claim 2, Oakley discloses that said download terminal further includes settlement means for performing a settlement in regard to the transmission of the distribution information for said personal terminal (page 2, line 27, through page 3, line 2).

As per claim 3, Oakley discloses a cache server in which part of the distribution information stored in said distribution information storage means of said data distribution server is stored in advance, and wherein said download terminal acquires, when the distribution information of the title corresponding to the identification information stored in said subscription information means of said search server is stored in said cache server, the distributed information from said cache server, but acquires, when the distribution information is not stored in said cache server, the distribution information from said distribution information storage means of said data distribution server (page 3, lines 8-13; page 5, lines 16-30; page 11, lines 21-27).

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (Canadian Published Patent Application 2,225,190) in view of Fritsch (U.S. Patent 6,247,130) and official notice. As per claim 4, Oakley discloses an online .

distribution system, comprising: a search server (page 5, lines 16-30; page 10, lines 7-14); a data distribution server (page 2, line 27, through page 3, line 13); and a personal terminal connected to said search server (page 10, lines 7-17), the personal terminal as such being inherent, as necessary to access the disclosed Internet Web Site. Oakley does not expressly disclose that the personal terminal is connected to the data distribution server through said search server, but does disclose that the Web site allows potential customers to browse and search the repertoire, listen to sound bites, save their selections, and, when the customers visit a kiosk connected to the data distribution server, get their pre-chosen track lists recalled (page 10, lines 7-14), implying that the Web site/search server is in contact with the data distribution server. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the personal terminal be connected to the data distribution server through said search server, for the obvious advantage of avoiding the expense and difficulty of maintaining two libraries of the same songs, sound bites, etc.

Oakley discloses (by inherency) that said search server includes a database for storing a plurality of songs or other works for distribution information (page 10, lines 7-17). Oakley does not expressly disclose that this search server includes title search means for searching the titles stored in the database, but official notice is taken that it is well known to identify and search for musical and other works by their titles. Oakley's disclosure of recalling pre-chosen track lists at the download terminal implies that subscription and identification information must be stored and transmitted by some

means from the search server and/or personal terminal to the download terminal (public kiosk, in Oakley's terminology). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the search server include title search means for searching the titles stored in the database, and subscription information storage information for storing the title searched out by the title search means, for the obvious advantage of enabling customers to identify desired musical works by title.

Oakley discloses that said data distribution server includes distribution information storage means for storing the distribution information (page 2, line 27, through page 3, line 13). Oakley discloses that the download terminal includes identification information acquisition means for acquiring identification information stored in the subscription information storage means of said search server, and distribution information means for reading out the distribution information corresponding to said information, and, by implication, transmission means for transmitting the distribution information to a personal terminal (page 10, lines 7-14). It is arguable whether the public kiosk discloses by Oakley can be considered "the personal terminal," but Fritsch teaches transmitting distribution information to a user's personal terminal (Abstract; column 2, line 64, through column 3, line 9). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit the distribution information to said personal terminal, for the obvious advantage of enabling a potential customer to make purchases from his personal terminal.

As per claim 5, Oakley discloses a settlement means for performing a settlement in regard to the transmission of the distribution information for a personal terminal (page 2, line 27, through page 3, line 2). Fritsch teaches a settlement means for performing a settlement in regard to the transmission of the distribution information for a personal terminal distinct from a public kiosk (Abstract; column 2, line 64, through column 3, line 9; column 6, lines 14-48). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for the data distribution server to further include a settlement means for performing a settlement in regard to the transmission of the distribution information for said personal terminal, for the stated advantage of obtaining payment for the music or other digital goods sold to customers.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (Canadian Published Patent Application 2,225,190) in view of official notice. Oakley discloses an online distribution method for an online distribution system wherein a download terminal is connected to a data distribution server (page 2, line 23, through page 3, line 22; page 5, lines 16-30) and a search server is connected to a personal terminal (page 10, lines 7-14) (by inherency, since such a terminal would have to be connected to a search server to access the disclosed Web site). Oakley does not expressly disclose that the download terminal is connected to the search server through the data distribution server, but Oakley's disclosure of the user obtaining information generated or selected at the Web site through the public kiosk/download terminal (page

10, lines 7-14), which is connected to the data distribution server (page 2, line 23, through page 3, line 22; page 5, lines 16-30), implies it.

Oakley discloses (by inherency) that said search server includes a database for storing a plurality of songs or other works for distribution information (page 10, lines 7-17). Oakley does not expressly disclose that this search server stores a plurality of titles in the database, and searches the titles, but official notice is taken that it is well known to identify and search for musical and other works by their titles. Oakley's disclosure of recalling pre-chosen track lists at the download terminal implies that subscription and identification information must be stored and transmitted by some means from the search server and/or personal terminal to the download terminal. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the search server include title search means for searching the titles stored in the database, and subscription information storage means for storing the title searched out by the title search means, for the obvious advantage of enabling customers to identify desired musical works by title.

Oakley discloses that said data distribution server stores distribution information in distribution information storage means (page 2, line 27, through page 3, line 13). Oakley discloses that the download terminal acquires identification information inputted from the outside, and reads out musical works corresponding to the identification information stored as the subscription in said search server, reading out the distribution information corresponding to the identification information from the information storage

means of said data distribution server, and recording the read out distribution information onto a recording medium (page 10, lines 7-14; page 2, line 23, through page 3, line 2).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oakley (Canadian Published Patent Application 2,225,190) in view of Fritsch (U.S. Patent 6,247,130) and official notice. Oakley discloses an online distribution method for an online distribution system wherein a personal terminal is connected to a search server (page 10, lines 7-17), the personal terminal being as such being inherent, as necessary to access the disclosed Internet Web Site. Oakley does not expressly disclose that the personal terminal is connected to the data distribution server through the search server, but does disclose that the Web site allows potential customers to browse and search the repertoire, listen to sound bites, save their selections, and, when the customers visit a kiosk connected to the data distribution server, get their pre-chosen track lists recalled (page 10, lines 7-14), implying that the Web site/search server is in contact with the data distribution server. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the personal terminal be connected to the data distribution server through the search server, for the obvious advantage of avoiding the expense and difficulty of maintaining two libraries of the same songs, sound bites, etc.

Oakley discloses (by inherency) that said search server includes a database for storing a plurality of songs or other works for distribution information (page 10, lines 7-

17). Oakley does not expressly disclose that this search server stores a plurality of titles in the database, and searches the titles, but official notice is taken that it is well known to identify and search for musical and other works by their titles. Oakley's disclosure of recalling pre-chosen track lists at the download terminal implies that subscription and identification information must be stored and transmitted by some means from the search server and/or personal terminal to the download terminal. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to have the search server include title search means for searching the titles stored in the database, and subscription information storage means for storing the title searched out by the title search means, for the obvious advantage of enabling customers to identify desired musical works by title.

Oakley discloses that said data distribution server stores the distribution information into distribution information storage means for (page 2, line 27, through page 3, line 13), reads out the distribution information corresponding to information transmitted from the search server from the distribution information storage means, and transmits the read out distribution information to a personal terminal (page 10, lines 7-14). It is arguable whether the public kiosk discloses by Oakley can be considered "said personal terminal," but Fritsch teaches transmitting distribution information to a user's personal terminal (Abstract; column 2, line 64, through column 3, line 9). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to transmit the distribution information to said personal

terminal, for the obvious advantage of enabling a potential customer to make purchases from his personal terminal.

Response to Arguments

Applicant's arguments filed August 16, 2004, have been fully considered but they are not persuasive. First, in response to Applicant's traversal of official notice, prior art has been cited to confirm that what Examiner asserted to be well known actually was known and documented prior to Applicant's priority date.

Applicant goes on to write, "The Examiner concedes that Oakley does not disclose a personal terminal such as the personal terminal of Claims 1 and 6." Examiner actually wrote, "Oakley does not *expressly* disclose a personal terminal, *distinct from the download terminal*, to which said search server is connectable, but such a terminal is held to be inherent, as necessary to access the Internet Web Site (page 10, lines 7-14)." (Emphasis added.) Oakley discloses (on page 10, lines 7-14), "An Internet Web (WWW) Site . . . to allow potential customers to browse and search the repertoire," and (page 10, lines 15-17), "The Web Site may also e-mail notices and special promotions on an ongoing basis." If, as Applicant alleges, Examiner is merely relying on impermissible hindsight, and official notice unsupported by any reference work, it is peculiar that Applicant did not explain how the potential customers browse and search the repertoire at the Web Site, and receive e-mail notices and special promotions therefrom, without personal terminals of some type.

Applicant next quotes Examiner as writing, "Oakley discloses (by inherency) that said search server includes a database for storing a plurality of songs or other works for distribution information (page 10, lines 7-17)." Applicant alleges that if this is the case, then Oakley is clearly distinguishable from the claimed invention, since the search server of Claims 1 and 6 has a database for searching titles, while the audio or video content corresponding to such titles is to be found with the data distribution server and not with the search server. Examiner replies that even if Oakley's search server includes more than Applicant's search server, that does not make Applicant's invention nonobvious, which would require that Oakley and the other prior art of record failed to teach a feature claimed by Applicant, or perhaps that the search server of Oakley included a feature *expressly* recited as not present in Applicant's system. Moreover, Oakley discloses a search server which may store some songs locally, while others are obtained from remote servers, which may, in accordance with Applicant's terminology, be called distribution server (page 3, lines 8-13; page 5, lines 16-30; page 11, lines 21-27).

Applicant argues that there is indication in Oakley that the downloading and recording functions would be performed in connection with a second readout, as in Claims 1 and 6. Examiner replies that Oakley does not disclose that these functions are performed at second readout means distinct from the first readout means, but there is no explicit requirement that the second readout means and first readout means are not the same readout. (Even if there were, Examiner considers it unlikely that this could be a basis for patentability.)

Applicant further argues that unlike the referenced features of Oakley, the download terminal of Claims 1 and 6 includes means for acquiring identification from the personal terminal via the search server. Examiner replies that Claim 1 recites, "said download terminal including identification information acquisition means for acquiring identification information inputted from the outside," while Claim 6 recites, "the steps performed by the download terminal [include] acquiring identification information from the outside," but neither recites any limitation that the download terminal includes means for acquiring identification information from the personal terminal via the search server. Aside from other issues, claims can only be allowed based on the limitations they actually recite, not limitations which might be recited based on the specification, or limitations present in some versions of an applicant's mental conception of his invention.

Regarding claim 2, Applicant, admitting that Oakley discloses means for making payment, argues that Oakley does not discuss settlement means to be employed in connection with a download terminal or a personal terminal. Examiner replies that the kiosk of Oakley with its "payment means for billing the client" (page 2, line 27, through page 3, line 2) is definitely a download terminal, and can be regarded as a personal terminal.

Regarding Claim 3, Applicant accuses Examiner of taking the view that the cache server is analogous to "unspecified features" of Oakley to be found therein at (page 3, lines 8-13; page 5, lines 16-30; page 11, lines 21-27), and argues that Oakley does not discuss the caching of data via a cache server to be employed in connection with a data distribution server. Examiner replies that Applicant does not specify how the cache

server of Claim 3 is top be distinguished from both the "local storage means" and the one or more of the "multiple repository locations connected via a communications infrastructure" disclosed by Oakley (page 5, lines 16-30), or how the caching of data is to be distinguished from Oakley's disclosed local and remote storage.

Regarding Claims 4, 5 and 7, Applicant argues that the motivation given by Examiner for including an element not expressly disclosed by Oakley is different from Applicant's motivation of "provid[ing] an online distribution system and method by which the time required for a downloading procedure in a shop can be performed in a short time." Examiner replies that even if the motivation is different, that would not invalidate the obviousness of the element; furthermore, Oakley in fact discloses as an advantage of his invention that "the amount of time the consumer has to wait is reduced" (page 11, lines 21-27). Applicant argues that in accordance with the claimed invention, and claims 4 and 7 in particular, saving time is accomplished by employing a search server with a database to facilitate searching for titles available from a separate data distribution server, and that no such searchable database associated with a search server is present or contemplated in Oakley of Fritsch. Examiner replies that Oakley in fact discloses a search server (the server corresponding to the Web Site of page 10, lines 71-17), that "will allow potential customers to browse and search the repertoire, listen to sound bites from tracks and save their selections," from which a searchable database is inherent.

Next, Applicant traverses Examiner's contention that it is arguable whether the public kiosk disclosed by Oakley can be considered "the personal terminal," asserting

that a public terminal is essentially and inherently not personal. Examiner replies that a terminal available in a public kiosk may be considered personal in that it is used by a particular person during a period of time; we would, after all, normally refer to a personal computer in the Smith household used by Mr. Smith to order products over the Internet, or engage in other activities, as a personal terminal, even if the same terminal is also used by Mrs. Smith, the Smith children, and occasionally by guests. But even if it were unambiguous that the terminal in a public kiosk could not be a personal terminal, Examiner relied on Fritsch precisely to teach transmitting distribution information to a user's personal terminal. Fritsch, furthermore, is in the field of Applicant's invention and pertinent to the problem at hand; Applicant's list of the features which Fritsch does not disclose is of little relevance, since Examiner did not contend that Fritsch anticipated Applicant's claims.

With regard to claim 5, Applicant argues that Oakley does not disclose settlement means to be employed in connection with a download terminal or a personal terminal, and that Fritsch discusses settlement means expressly limited to Internet transactions, while Claim 5 may employ networks other than the Internet. Examiner replies that Fritsch does not cease to be applicable, because, while Claim 5 may employ networks other than the Internet, it may also employ the Internet, just as Fritsch teaches (and even if Claim 5 were to be limited to networks other than the Internet, Examiner is certain that prior art could be found regarding such networks, and doubts that it would be difficult to find prior art regarding settlement in such networks). Oakley's "payment means for billing the client" (page 2, line 27, through page 3, line 2) can certainly apply

"in regard to the transmission of the distribution information for a personal terminal," to quote the language of Claim 5, which is broad. The claim uses the terms "in regard" and "for," and does not specify, for example, that complete digital data for burning a CD has to be transmitted to the user's personal terminal, said personal terminal being a computer in the customer's own home. Even adding such a limitation would probably not, in Examiner's judgment, render the claim non-obvious over all the prior art in the relevant area, but that is a point which Examiner is not called upon to decide at present. It is sufficient that the claim language (as opposed to Applicant's assertions about the claims) does not distinguish over Oakley in view of Fritsch.

For these reasons, Examiner holds the rejections of Applicant's claims to be valid.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsumoto (U.S. Patent 5,862,104) discloses recording a complete broadcast program by selecting from a displayed program text. Turek et al. (U.S. Patent 6,021,439) disclose an Internet quality-of-service method and system. Kephart et al. (U.S. Patent 6,026,445) disclose a system and method for saving and reusing recently acquired name-to-address mappings. Nehab et al. (U.S. Patent 6,029,182) disclose a system for generating a custom-formatted hypertext document by using a personal profile to retrieve hierarchical documents. Wilz, Sr., et al. (U.S. Patent 6,045,048) disclose a system and method for composing menus of URL-encoded bar

code symbols while surfing the Internet using an Internet browser program. Dwek (U.S. Patent 6,248,946) discloses a multimedia content delivery system and method. Tarbouriech (U.S. Patent 6,674,993) discloses a method and system for identifying data locations associated with real world observations. Boesjes (U.S. Patent 6,799,165) discloses apparatus and methods for inventory, sale, and delivery of digitally transferable goods.

Kaplan (U.S. Patent 5,963,916) and Zhang et al. (U.S. Patent Application Publication 2002/0073098), cited in the previous Office action (signed April 18, 2004, and mailed April 24, 2004) have also been used to confirm the well-known status of facts of which official notice was taken.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen, whose telephone number is 703-305-0753. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Non-official/draft faxes can be sent to the examiner at 703-746-5574.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nicholas D. Rosen

NICHOLAS D. ROSEN
PRIMARY EXAMINER

October 21, 2004